

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL GARZA,

Defendant.

2:11-CR-434-LDG-(PAL)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on November 26, 2013, defendant MANUEL GARZA pled guilty to Count One of a Four-Count Superseding Criminal Indictment charging him with Wire Fraud in violation of Title 18, United States Code, Section 1343. Superseding Indictment, ECF No. 243; Change of Plea, ECF No. ~~43~~; Plea Agreement, ECF No. ~~42~~.

This Court finds defendant MANUEL GARZA agreed to the forfeiture in the Plea Agreement as set forth in the Forfeiture Allegation of the Superseding Criminal Indictment. Superseding Indictment, ECF No. 243; Change of Plea, ECF No. ~~43~~; Plea Agreement, ECF No. ~~42~~.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Superseding Criminal Indictment and agreed to in the Plea Agreement and the offense to which defendant MANUEL GARZA pled guilty.

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The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) and Title 21, United States Code, Section 853(p):

1. \$350.00 (received from Vladimir Budestean);
2. \$200.00 (received from Vladimir Budestean);
3. \$3.04 (recovered from 2002 Mercedes CLK 55, Budestean);
4. \$2,155.00 seized during search of 4225 Dover Place, Las Vegas, NV residence of Budestean and Nedyalkova);
5. Currency on Eugeni Stoytchev at time of arrest: \$2,512.00 United States Currency; 1-\$0.50 euro coin (valued at \$0.65 U.S.); 1-\$10 Bulgarian Leva (valued at \$6.68 U.S.); 1-\$2 Bulgarian Leva (valued at \$1.34 U.S.); 4-\$1 Bulgarian Leva (valued at \$3.67 U.S.); 1-\$0.50 Bulgarian Stotinki (valued at \$0.33 U.S.); 3-\$0.20 Bulgarian Stotinki (valued at \$.40 U.S.); 10-10 denomination Bulgarian Stotinki (valued at \$0.67 U.S.);
6. 4225 Dover Place, Las Vegas, Nevada (residential home, Clark County Parcel No. 139-31-411-109); Owners: Vladimir Budestean and Mariya Ytmkerova-Nedyalkova;
7. Samsung Television (Serial Number LN46B55OK1F w/stand, power cord, remote and cables) (consent search of Oleh Rymarchuk's residence);
8. Laptop Macbook Air (serial #C02GMBLPDJWV) (consent search of Oleh Rymarchuk's residence);
9. Laptop Macbook Pro (serial #C02GD1VPDV7L) (consent search of Oleh Rymarohuk's residence);
10. Powershot A603 w/case (Serial #4136204571) (consent search of Oleh Rymarchuk's residence);

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1 11. Apple Time Capsule (1TB) w/cord (Serial #6F94201GACD) (consent search of
2 Oleh Rymarchuk's residence);

3 12. Red Cobra Model #CA-380 .380 caliber pistol (Serial #CP042369 (seized from
4 Bertly Ellazar's residence); and

5 13. an in personam criminal forfeiture money judgment of \$140,000.00 in United States
6 Currency

7 (all of which constitutes "property").

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
13 MANUEL GARZA in the aforementioned property is forfeited and is vested in the United States of
14 America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
16 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
17 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
18 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
19 name and contact information for the government attorney to be served with the petition, pursuant to
20 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
22 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
23 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
24 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
25 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
26 ...

1 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
2 petition and the relief sought.


3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
4 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
6 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
7 following address at the time of filing:

8 Michael A. Humphreys
9 Assistant United States Attorney
Daniel D. Hollingsworth
10 Assistant United States Attorney
Lloyd D. George United States Courthouse
11 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
13 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
14 following publication of notice of seizure and intent to administratively forfeit the above-described
15 property.

16 DATED this 26th day of November, 2013.

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UNITED STATES DISTRICT JUDGE